

MINUTES OF THE  
WEST LAFAYETTE REDEVELOPMENT COMMISSION  
August 22, 2003  
*Amended*

Redevelopment Commission members present: Steve Belter, Chris Corrigan, Earle Nay, Patsy Hoyer, and Barbara Cook. Also in attendance: Clerk Treasurer Judy Rhodes, City Attorney Bob Bauman, Development Director Josh Andrew, Charlotte Martin and Beverly Shaw of the Development Department, Tom Gall of TJ Gall & Associates, Parks Superintendent Joe Payne, and citizens and members of the media.

Mr. Belter called the meeting to order at 12:07 pm.

OLD BUSINESS

Ms. Cook made a motion to approve the minutes from the July 18, 2003 meeting. Mrs. Hoyer seconded. The motion passed unanimously 4-0.

NEW BUSINESS

Mr. Nay made a motion to authorize the trustee to pay claims. Ms. Cook seconded.

Mr. Belter stated that Lindberg Road is mostly done but we should be getting a few more claims on that as they finish up in the next couple of months. Mr. Bauman said as you can see, the road has been holding. I've been told that the grading is done and they are getting ready to pave the trail that runs along the north side. Not only did we get the road open, but the remaining work is moving along.

Mr. Belter asked Mr. Gall to bring the Commission up to date on the Trails project. Mr. Gall stated that Cumberland Park is essentially completed. McCormick Road is getting its final surface in the next week and should be completed in three weeks. The change order will tell you about schedule issues. Mr. Belter stated that we'd come back to that. Mr. Gall continued by stating that Pickett Park is about completed. At the Nature Center, around the Celery Bog is completely paved and shouldered. The signage on that section and Pickett Park will happen in the next two weeks. Those segments are going to be nearly, completely, officially open. They have worked very hard to complete what they can. They will be moving next to the west side of the Research Park and then moving on to the north of Hadley Lake.

The motion passed unanimously 4-0.

Mr. Belter stated that the next item of business is the change order. Mr. Gall stated that along the Cattail Trail section, the wall grew quite a bit in order to make that work out well, the grades to work out better, and to resolve some issues with the golf course. That was a significant change in their work scope, which also plays into the request for some additional time. They modified a number of ramps that were simply a

modification in construction type, not in dollar change. They had to remove and replace a curb and gutter in front of Applebee's where the old trail system was removed. Signs were added at Cinnabar Street and McClure Street. Also, geo-grid was needed at the Celery Bog area. The total change order is for \$17,159. The effect on the project schedule is that they have requested a 21 calendar day extension on the Cattail Trail segment. The second extension would grant them a 28 calendar day extension for the Celery Bog. I believe that both of these requests are reasonable.

Mr. Nay made a motion to approve the change order for the Trails & Parks Improvements. Ms. Cook seconded.

The motion passed unanimously 4-0.

Mr. Gall stated that he has some updates on the street lighting. Last month a proposal was brought to you from Thompson Rayman Electric. They are three quarters done with that work. This is a proposal for outdoor lighting from Cinergy for the architectural light fixtures as have been planned in the park just for the new portion of the park. This is a part of the overall project. I would propose that given the help of the trail and the Research Park project and the contingency that's in place for that, you do have the cash to commit to this and not jeopardize the completion of either project. This would allow lights to go up in late October. On site, they are beginning to form actual pavement. After the Fourth of July rains, they had to wait 3 – 4 weeks before we could get back on that site and do anything in the roadways at all. All the paving will happen over the next few weeks and then they will come back and start the sidewalks and then the lights can go in. If you can approve this today, we can have Cinergy order this equipment.

Mr. Belter stated that our budget for this project is in good shape. We had not approved this initially because we wanted to see how the rest of it went. Our plan was to spend this out of the contingency if the money was there.

Mr. Nay made a motion to approve the Cinergy proposal with the lump sum payment of the \$73,718.32. Ms. Cook seconded.

Mr. Nay asked if the 73 thousand is strictly construction cost. Mr. Gall answered yes and stated that it is an estimate. It turned out to be accurate with the police station. Unless we come up with something that they are going to have to do differently, this shouldn't change. This will be followed up with an actual agreement to sign and a bill and an invoice as they move forward with the ordering.

Mr. Nay asked if he is expecting any late changes. Mr. Gall said he isn't expecting any change. We still have to add a 4 inch conduit from the south side of McCormick to the neighborhood to the south to power it all up. I've got an estimate of about \$5,000 for that piece of conduit. That would then give Cinergy a path to bring power to this.

Mr. Nay asked what the energy usage is for these 16 lights. Is it \$72 per year, per bulb or \$72 per the 16 lights? Is this the kind of figure that would be budgeted into the City's cost? Mr. Gall stated that the \$190 a month is what I gave Mrs. Rhodes to budget per month for these lights.

Mr. Corrigan stated that some months ago we talked about Purdue paying for some of this. Are they not interested in that? Mr. Andrew stated that's probably correct. It is still nice to have the park lit. We are still in the talking process.

Mr. Corrigan asked if more talk will occur with asking Purdue to help pay. Mr. Andrew stated that we've been talking. Mrs. Hoyer asked if that means that we aren't going to talk to them anymore on this. Mr. Corrigan asked how we can vote without knowing. Mr. Andrew stated that we are in Phase II.

Mr. Belter stated that we agreed with Purdue that we were going to assist with the infrastructure and assist in a big way with it. The conversations will continue with who's going to pay for what as they come up.

Mr. Nay asked how much of the park is exempt from paying property taxes. Mr. Bauman said none of it is. Mr. Nay stated that they are no different then any other area with property taxes. It's not like we are talking about campus lighting. So there is still going to be revenue to pay for the lights to the city. Continued discussion was made but was unclear due to multiple discussions occurring.

Mr. Belter stated that his personal preference is to approve this as is. This is the new part of the park and we want it to look well from the stand point of selling those lots to the new businesses and getting new jobs in the park. Regarding the older parts of the park, I think it quite appropriate to talk to Purdue to discuss with them either paying the difference between the poles or at least come to a better understanding of what the trade off is. They are making a significant investment out there. It's not like they are spending nothing. It benefits them, but it also benefits the city and the residents from the standpoint of job growth and new industry that pays the whole gamete of taxes.

Mr. Corrigan stated that his opinion is that we don't have this whole plan drawn out yet and how can we approve it? Mr. Andrew stated that you've given me some direction now with discussions. Yes, we should do that in the new section, but in the old section we think that we may want to talk some more about lagging down the costs to the city. Now I've got more direction to go in.

The motion passed 3-1.

Mr. Andrew stated that we have been talking with Jim Curtis about a pizza place with outdoor seating called Mellow Mushroom. Mr. Gall stated that the negotiations are still being discussed. It is a high end pizza operation. Their designs are mirrored to others in that area such as Borders.

Ms. Cook asked where this is going to be. Mr. Andrew answered on Howard and Brown Street, just south of Pete's, where Noble Roman's was.

The Commission briefly discussed the Final Plan Report on the Levee Area Development Plan and stated that they would like it on the next agenda in order to have further discussion.

Mr. Andrew handed out trolley pamphlets. He stated that it's free and runs every 10 minutes from 7 am to 5 pm and every 15 minutes from 5 pm to 9 pm. The inaugural ride was Tuesday. We picked up 15 to 20 people on the first go around.

The Commission scheduled their next two meetings as September 19 at 12:30 pm, and on October 17 at 12:30 pm.

Mr. Belter opened the floor for public comment. Mrs. Rhodes asked about reviewing the tax increment replacement levy. Mr. Belter stated that it isn't on the agenda. Mrs. Rhodes stated that the tax rates for the city are published by the auditor. The mayor and I learned at about 3:30 pm yesterday that a levy was in place to make up for the short fall in the TIF District. That levy was communicated to your contact, who is Mr. Andrew, in early July by the Department of Local Government Finance. Mr. Andrew stated that it is an automatic thing. Mrs. Rhodes stated that the process that is outlined by your financial consultant, Umbaugh & Associates, indicates to you that the calculation of the levy is indeed all met. However, the acceptance of the entire levy is a matter of determination by the Redevelopment Commission and ultimately the Council. No elected official, that I'm aware of in this city, knew that this levy had been implemented because the budget order was never communicated to the fiscal officer as required by law or even to the mayor. The amount of the levy is \$466,827. It makes the tax rate 6% higher than the mayor and I reported to the council in July. The mayor and I have a great concern that this was not presented to the Redevelopment Commission in July and not presented to the Council any time since then. Only today, when the tax bills are hitting the mailboxes of the taxpayers of West Lafayette is there any public disclosure and the public disclosure is only because I made it. I'm very concerned about that process. I don't believe that the Redevelopment Commission had this information by the puzzled looks on your faces. I'd like the Commission to investigate this situation, to become informed about this information, and be able to discuss and understand how this came about and how it can be prevented in the future.

Mr. Andrew stated that this had been discussed on March 20 that this was a possibility and that this would be automatic. There isn't really anything that we could've done. Mr. Bauman stated that it was mandated by the legislature. Mrs. Rhodes stated that it entirely not correct. According to the information that Umbaugh provided you, you had an opportunity to review that. You were supposed to review it and determine whether you needed all the revenue to meet your debt servicing project and that process never happened. There is a provision that the Council may in fact ask to reduce or eliminate it. What I'm troubled by is that there is a legal requirement that financial information is to be copied to the fiscal officer of the city. That's the statute.

Mr. Belter asked Mrs. Rhodes, the state didn't send that to you? Mrs. Rhodes stated that it's the responsibility of the Redevelopment Commission to do that. Mr. Andrew stated that he is not the chief financial officer. Mrs. Rhodes stated that Mr. Andrew received a copy of this because he told the DGLF to send it to him. Mr. Andrew stated that it was then forwarded to Umbaugh.

Mr. Belter stated that the state calculates this and the state chose to send it to Josh but did not send it to Mrs. Rhodes, is that correct? Mrs. Rhodes stated that the state did not choose, they were told to send it to Mr. Andrew as the Redevelopment Commission's contact person. Mr. Belter stated that he was surprised that the state didn't send Mrs.

Rhodes a copy since she is the CFO. Mrs. Rhodes stated that it's because you have never allowed me to be a contact person with any documentation you do with the DLGF.

Mrs. Hoyer stated that we should review more of this in detail to prevent it in the future.

Many interruptions and separate conversations were occurring, making it difficult to understand.

Mr. Corrigan stated that we need to take this up in the next meeting, when we have all the documentation starting with the Umbaugh letter in February and then anything that has been sent off about this issue. That way we have all the information and the Commission can look at it well before the meeting so that intelligent questions can be asked and come up with a way so it doesn't happen in the future. Bantering back and forth right now isn't doing any good since we don't have all the information. Mrs. Rhodes said I believe that you would be informed today, and I'm shocked.

Mr. Bauman stated that he'd really like to put this in context without being interrupted. As discussed, the financial advisor presented to us months ago from the restructuring state taxes and the legislature came up with that restructuring. They were requested by the Indiana Cities and Towns as well as individual units to consider the impact on Redevelopment activities in terms of loss of the TIF. They've been mandated an automatic make up levy which didn't increase the amount of money since we made up the amount of the loss. The legislature mandated. This is a process that has been followed with the submission of that information to the state and they did the calculation. It's the same make up levy that Lafayette is receiving and most of the communities in the state with TIF districts. It's not additional money. It's simply making up a loss as a result of the restructuring.

Mr. Corrigan stated that as late as June we were asking about this and we were told that it's an estimate. If this came to bite in July after we've had a number of discussions about where are we on this, we should have been told. I don't want to get into a discussion right now though when we don't have the information in front of us to start shooting accusations back and forth.

Mr. Nay stated that he'd like to comment on Mrs. Rhodes statement to why we had confused looks on our faces. I think we were quite confused as to why there was a political statement here instead of a *genteel* discussion about a problem that may have cropped up. Mrs. Rhodes stated that she doesn't see her comment as a political statement. I'm the elected finance officer of the City and you basically bypassed the statutory process that protects the taxpayers. Mr. Nay stated that the warning to press that you were going to bring this up, sounds more political to me. Mrs. Rhodes stated that she told the mayor that she would speak her piece on this matter and I presumed that she would speak hers.

Mrs. Hoyer stated that we are still back to needing to have more discussion on this with the proper information. Mrs. Cook stated that we also need to have just one person speaking at a time in order to better follow along.

Mr. Belter asked if there were any other comments for the Commission.

Mr. Corrigan stated that in the next packet for the next meeting, we should have essentially all the information that has come to Mr. Andrew's office, Mrs. Rhodes office and the mayor's office, as well as from Umbaugh or anyone else on this issue so that we have a complete understanding of the timing and the sequence of what happened in this situation.

Mr. Belter asked if Mrs. Martin and Mrs. Loerbs-Polley could get all the information mailed out in the next week to us so that we have a longer time to go through it. I think that would be beneficial.

Ms. Cook stated that we should postpone the other discussion on Levee Report for a later date.

Mr. Belter asked if there were any other questions or comments. None were made.

Mr. Nay made a motion to adjourn. Ms. Cook seconded. The meeting adjourned at 1:12 pm.

Respectfully submitted,

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Francis Earle Nay, Recording Secretary

Approved:

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Stephen Belter, President

/clp

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